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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: North Edwards Water District
13525 Fran Street
North Edwards, CA 93523

Attn: Dollie Kostopolous, General Manager
North Edwards Water District

CERTIFIED MAIL

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1510052**

July 2015

C I T A T I O N N O. 03-19-15C-016

Issued on October 9, 2015

STATEMENT OF FACTS

North Edwards Water District Water System (hereinafter Water System) is classified as a community Water System and serves a population of approximately 600 persons through 217 service connections. The Water System has two active sources of supply, Well 01 (PS Code: 1510052-001), Well 02 (PS Code: 1510052-002), a 50,000-gallon storage tank, and a 61,000-gallon storage tank. Chlorination treatment is provided to the well water using sodium hypochlorite. The Water System operates under the authority of Permit Number 03-88-008, issued on April 5, 1988, by the California Department of Health Services, Division of Drinking Water and Environmental

1 Management (now State Water Resources Control Board, Division of Drinking
2 Water).

3
4 Section 116650 of the California Health and Safety Code authorizes the issuance of a
5 citation to a public water system for violation of the California Safe Drinking Water
6 Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with
7 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit
8 or order issued or adopted thereunder.

9
10 The State Water Resources Control Board (hereinafter "State Board"), acting by and
11 through its Division of Drinking Water (hereinafter "Division") and the Deputy
12 Director for the Division of Drinking Water, hereby issues a citation to North Edwards
13 Water District (mailing address: 13525 Fran Street, North Edwards, CA 93523) for
14 violation of California Code of Regulations (CCR), Title 22, Section 64426.1
15 subsection (b)(2).

- 16
- 17 • The Water System collects two (2) routine distribution system bacteriological
18 samples per month.
 - 19 • Two (2) routine bacteriological quality samples collected on July 8, 2015, from
20 the distribution system, tested positive for total coliform bacteria.
 - 21 • One (1) out of two (2) repeat bacteriological quality samples collected on July
22 9, 2015, from the distribution system, tested positive for total coliform
23 bacteria.
 - 24 • North Edwards Water District Water System failed the total coliform
25 maximum contaminant level (MCL) for July 2015 [Section 64426.1(b)(2),
26 *Authorities*].
27

- 1 • On July 8, 2015, Dollie Kostopolous, General Manager of the Water System,
2 notified the State Board by telephone that the Water System failed the total
3 coliform MCL for July 2015.
- 4 • On July 10, 2015, the Water System was directed by the State Board to collect
5 a sample from Well 01 for compliance with the Ground Water Rule, and to
6 collect additional repeat samples from the distribution system. Well No. 2 was
7 not in use at that time
- 8 • On July 14, 2015, six (6) repeat samples collected from the distribution system
9 tested negative for total coliform bacteria.
- 10 • On July 14, 2015, one (1) bacteriological sample collected from Well 01
11 (counted towards the Ground Water Rule's trigger source sampling
12 requirement), tested **positive** for total coliform bacteria.
- 13 • On July 16, 2015, the Water System notified the State Board by telephone that
14 Well 01 was removed from service on July 15, 2015, for disinfection and
15 flushing, and that Well 02 was placed in service. The State Board directed the
16 Water System to collect a bacteriological quality sample from Well 02.
- 17 • One (1) bacteriological quality sample collected on July 16, 2015, from Well
18 02, tested negative for total coliform bacteria.
- 19 • Following inspection, disinfection and flushing of Well 01, a well cycle test
20 consisting of five (5) bacteriological quality samples was conducted on July 16,
21 2015, for Well 01. All five (5) samples collected from Well 01 tested negative
22 for total coliform bacteria.
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- 1 • None of the bacteriological quality samples collected in July 2015 tested
2 positive for *E. coli* bacteria
- 3 • On August 4, 2015, a public notice and *Certification of Completion of Public*
4 *Notification* were emailed to the Water System for the July 2015 total coliform
5 MCL failure.
- 6 • On August 24, 2015, the State Board received signed and dated copies of the
7 *Certification of Completion of Public Notification* and the public notice.
8 According to these documents, public notification was completed on August 6,
9 2015.
- 10 • On August 4, 2015, an investigation report was emailed to the Water System,
11 for the July 2015 total coliform MCL failure.
- 12 • On September 26, 2015, the State Board received a completed copy of the
13 investigation report. The investigation report was completed by Dollie
14 Kostopolous. According to the investigation report, a possible cause of the
15 total coliform positive samples was described changing the lubricating oil for
16 the well.
- 17 • In August 2015, five (5) routine bacteriological samples collected from the
18 distribution system, tested negative for total coliform bacteria.
- 19 • Results of all (source and distribution) bacteriological samples collected from
20 January 2015 to August 2015 are summarized in **Attachment A**.

AUTHORITIES

26 Section 116577 of the CHSC, states in relevant part:

27 “(a) Each public water system shall reimburse the State Board for the actual costs incurred by the State Board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The State Board shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the State Board. The costs set forth in the invoice shall not exceed the total actual costs to the State Board of the enforcement activities specified in this section."

Section 116650 of the CHSC, states in relevant part:

"(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The State Board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the State Board.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

DETERMINATIONS

Based upon the above *Statement of Facts and Authorities*, the State Board has determined that the North Edwards Water District Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for July 2015, when more than one sample collected in July 2015, tested positive for total coliform bacteria.

1 The above violation is classified as a non-continuing violation.

2
3 **DIRECTIVES**

4 North Edwards Water District Water System is hereby directed to take the following
5 actions:

- 6
7 1. Cease and desist from failing to comply with Section 116555(a) of the
8 California Health and Safety Code (CHSC) and Section 64426.1(b)(2), of Title
9 22, California Code of Regulations.
- 10 2. The Water System shall reimburse the State Board, in accordance with an
11 invoice that shall be provided to the Water System, the costs for enforcement
12 activities, and such reimbursement shall be made prior to September 1 (or by a
13 different date if specified by the State Board) of the fiscal year following the
14 fiscal year in which such costs are incurred as described in CHSC Sections
15 116577(a)(1-2) and 116577(b).

16
17 **FURTHER ENFORCEMENT ACTIONS**

18 Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the State
19 Board to: issue additional citations with assessment of penalties if a public water
20 system continues to fail or correct a violation identified in a citation; take action to
21 suspend or revoke a permit that has been issued to a public water system if the system
22 has violated applicable law or regulations or has failed to comply with orders of the
23 State Board; and petition the superior court to take various enforcement measures
24 against a public water system that has failed to comply with orders of the State Board.
25 The State Board does not waive any further enforcement action by issuance of this
26 citation.
27

PARTIES BOUND

This citation shall apply to and be binding upon North Edwards Water District Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this citation are severable, and North Edwards Water District Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

CIVIL PENALTIES

Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a civil penalty for failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any provision of this Citation may result in the State Board imposing an administrative penalty in an amount not to exceed \$1000 (one thousand dollars) per day as of the date of violation of any provision of this Citation.

Oct. 9, 2015

Date

Jaswinder S. Dhaliwal

Jaswinder S. Dhaliwal, P.E.

Senior Sanitary Engineer

Drinking Water Field Operations Branch

Certified Mail No. 7012 2210 0000 8221 6965

ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2015 – August 2015

CC: Kern County Environmental Health Services Department (w/o attachment)
James F. Allen, Designated Operator (via e-mail)

JSD/dc

Attachment A

North Edwards WD

1510052

Distribution System Freq: 2/M

Sample Date	Time	Location	T Coli	E Coli	F Coli	Type	Cl2	Violation	Comment
1/1/2015		2 Samples	A	A		Routine	1.0		
2/1/2015		2 Samples	A	A		Routine			
2/1/2015		System	A	A					
2/11/2015		Test Stand Sample Site (	A	A		Other			
3/1/2015		2 Samples	A	A		Routine	1.0		
4/1/2015		2 Samples	A	A		Routine	1.0		
5/1/2015		2 Samples	A	A		Routine	1.0-1.5		
6/1/2015		2 Samples	A	A		Routine	1.0		
6/10/2015	8:00	Test Stand Sample Site (	A	A		Other	1.0		
7/8/2015	7:30	Test Stand Sample Site (	P	A		Routine	1.0		
7/8/2015	8:00	Test Stand Sample Site (	P	A		Routine	1.0	MCL	Citation 03-19-15C-016 Issued on Oct. 9, 2015
7/9/2015	9:01	Test Stand Sample Site (	P	A		Repeat	1.5		
7/9/2015	9:32	Test Stand Sample Site (	A	A		Repeat	1.5		
7/14/2015	7:10	Test Stand Sample Site (	A	A		Repeat			
7/14/2015	7:21	Tank At Well 01	A	A		Repeat	2.5		
7/14/2015	7:45	13043 Lamel	A	A		Repeat	1.5		
7/14/2015	8:15	13143 Lamel	A	A		Repeat	1.0		
7/14/2015	8:30	13128 Lamel	A	A		Repeat	1.0		
7/14/2015	8:40	13471 Lamel	A	A		Repeat	1.0		
8/1/2015		5 Samples	A	A		Routine	1.5		
8/24/2015	9:00	12686 Clay Mine Rd #3	A	A		Other			
8/24/2015	9:00	Clay Mine Road	A	A		Other			

North Edwards WD

1510052

Source Monitoring Freq: Qtrly.

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
7/14/2015	7:30	Well 1	P	A			GWR sample
7/16/2015	9:20	Well 2	A	A			
7/16/2015	9:50	Well 1	A	A			Cycle Test Sample #5
7/16/2015	9:51	Well 1	A	A			Cycle Test Sample #4
7/16/2015	9:56	Well 1	A	A			Cycle Test Sample #3
7/16/2015	10:11	Well 1	A	A			Cycle Test Sample #2
7/16/2015	10:41	Well 1	A	A			Cycle Test Sample #1
